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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,827	09/12/2003	David B. South	89786	7862

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Richard L. Wood  
22nd Floor  
120 South Riverside Plaza  
Chicago, IL 60606-3945

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/660,827

Applicant(s)

SOUTH, DAVID B.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-21 is/are rejected.
- 7) ☒ Claim(s) 8,9,22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/31/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7,10,12-19 and 21 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #1,861,069 to SMITH. Regarding claims 1,14 and 21, SMITH the use of a monolithic building (22) defining an interior chamber (I) and having an access opening (O), see the marked attachment, enabling entry into and exit from the chamber, and a rigid door (7,8) operatively associated with the building (22) and adapted for lateral movement between a first position closing said access opening (O) and a second position enabling passage through the access opening (O), said door (7,8) having a three-dimensional convex external contour substantially similar to an outer convex contour of the dome shaped building (22) adjacent the access opening (O), said door (7,8) being supported on the building (22) so as to enable lateral movement such that the door (7,8) compliments the dome shape when in its first position and is disposed adjacent a wall of the dome shaped building when in its second position. SMITH discloses the use of a double door (7,8); however, on page 2, lines 26-38 may be a single door (7). SMITH also details that the double door (7,8). Regarding claims 2 and 15, the building (22) includes a floor (F), see the marked attachment, and the door (7,8) having a lower margin operatively associated with roller wheel means (9b,10b) for

Art Unit: 3635

engaging the floor surface (F) in rolling contact therewith and at least partially supporting the door (7,8). In reference to claims 3 and in further regards to claims 14 and 21, the door (7,8) is supported at an upper margin on a substantially horizontal guide track (17,18) for lateral movement between the first and second positions, the guide track (17,18) extending internally of said chamber (I) adjacent a wall of the building (22) so that the door (7,8) is disposed in closely spaced relation to said wall when in its second position. Regarding claims 4,6,12 and 16, the interior chamber (I) is defined by an outwardly convexly curved peripheral wall having a substantially uniform transverse thickness, and including a substantially horizontal guide track (17,18) affixed to an inner surface of the wall adjacent the access opening (O), the door (7,8) having means (15,16) adjacent an upper marginal edge thereof for mutual cooperation with the track to enable lateral sliding movement of the door (7,8) between said first and second positions. In reference to claims 5 and 17, the door (7,8) includes guide rollers (9b,10b) adjacent the upper margin thereof for operative association with said guide track (17,18) so as to facilitate lateral movement of the door (7,8) along the track (17,18). Regarding claims 7,13 and 18, the access opening (O) is generally rectangular (colored red) when considered in front elevation, the door (7,8) having a similar generally rectangular peripheral configuration and having an outer three-dimensional convex contour substantially similar to the outer convex curvature of the dome shaped building (22), page 2, lines 53-54, adjacent the access opening (O). In reference to claims 10 and 19, the door (7,8) includes a plurality of upstanding horizontally spaced frame members (colored blue), the upstanding frame members (colored blue) having outer convex

surface profiles similar to a convex profile of the dome building (22) adjacent the access opening (O), the upstanding frame members (colored blue) having a generally rigid sheet (colored orange) affixed to outer convex surfaces so as to form a rigid unified door (7,8) having an outer convex surface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #1,861,069 to SMITH in view of US Patent 3,736,707 to NEUFELD. SMITH discloses the basic claimed monolithic dome except for the use of sealing members. NEUFELD teaches the use of sealing members (23,24). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of SMITH with the sealing members of NEUFELD in order to prevent water from leaking therein and preventing water damage thereto.

***Allowable Subject Matter***


Claims 8,9,22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YMH  
May 31, 2004